



10/9  
T. Plunkett  
10/13/95

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of	)	Examiner: D. Rees
ROGER P. EKINS and	)	
FREDERICK WOODNAM CHU	)	
Serial No. 08/211,800	)	Group Art Unit: 1807
Filed: April 14, 1994	)	
For: BINDING ASSAY EMPLOYING	)	Amendment A
LABELLED REAGENT	)	Response to Paper No. 9

OCT 10 1995

GROUP 1800

**AMENDMENT AND REQUEST FOR  
RECONSIDERATION UNDER 37 C.F.R. §1.111**

In response to the Official Action dated June 20, 1995, please amend the above-identified patent application as follows:

Amend the specification as set forth in the attached Schedule A1.

Amend the claims as set forth in the attached Schedule A2.

**REMARKS**

The June 20, 1995 Official Action and the references cited therein have been carefully considered. In view of the amendments presented herewith and the following remarks, favorable reconsideration and allowance of this application are respectfully requested.

In the June 20, 1995 Official Action, claims 1-31 have been rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite. The Examiner rejected the claims based on the use of the following expressions: "a small amount" (Claims 1, 3-27); "insignificant effect on the concentration of the analyte" (Claims 1, 3-18, 26); "immobilized at high density" (claims 1, 2, 4, 6, 7-27, 29-31); "one or more microspots" (claims 4, 29-31); "provided on their surface with negatively charged or positively charged groups" (claim 8); "colour range compatible with a standard filter set" (claim 10); "signal strength capable of being determined" (claims 11, 26); "twin-stranded DNA", "recognises another part



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

ROGER P. EKINS and  
FREDERICK WOODNAM CHU

Serial No. 08/211,800

Filed: April 14, 1994

For: BINDING ASSAY EMPLOYING LABELLED REAGENT

Examiner: D. Rees

Group Art Unit: 1807

Examiner J. Krizek

Amendment A  
Response to Paper No. 9

OCT 10 1995

GROUP 1800

Certificate of Mailing Under 37 CFR §1.8(a)

I hereby certify that this Correspondence is being deposited on September 20, 1995 with the United States Postal Service as first-class mail in an envelope properly addressed to COMMISSIONER OF PATENTS AND TRADEMARKS, Washington, DC 20231.

September 20, 1995

Date of Certificate

*Patrick J. Hagan*  
PATRICK J. HAGAN  
Attorney for Applicant(s)  
PTO Registration No. 27,643

Computation of Additional Fee for Amendment☒ [ X ] No Additional Fee is required.☐ [ ] A check is enclosed in the amount of \$ \_\_\_\_\_.

The fee has been calculated as shown below:

CLAIMS AS AMENDED				*SMALL ENTITY		OTHER THAN A SMALL ENTITY	
FOR	CLAIMS AFTER AMDT.	CLAIMS PAID FOR	NUMBER EXTRA	RATE	FEE	RATE	FEE
EFFECTIVE TOTAL CLAIMS		- 20	=	\$ 11		\$ 22	
IND. CLAIMS		- 3	=	38		76	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS?				120		240	
				TOTAL		TOTAL	

\*Applicant is a Small Entity, as established by a verified statement filed \_\_\_\_\_.

In the event the check is improper, or the fee calculation is in error, the Commissioner is authorized to charge any underpayment or credit any overpayment to the account of the undersigned attorneys, Account No. 04-1406. A duplicate copy of this sheet is enclosed.

DANN, DORFMAN, HERRELL AND SKILLMAN  
A Professional Corporation

By

*Patrick J. Hagan*  
PATRICK J. HAGAN  
PTO Registration No. 27,643